

### **REMARKS**

This is intended as a full and complete response to the Office Action dated October 30, 2007, having a shortened statutory period for response set to expire on January 30, 2008. Please reconsider the claims pending in the application for reasons discussed below.

#### ***Rejections - 35 U.S.C. § 103***

Claims 1-18 and 21-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lowndes et al.* (U.S. Patent No. 6,201,012) in view of *Mihalik* (U.S. Patent No. 6,340,672). In response, Applicants respectfully traverse the rejection.

Claims 1 and 21 recite a formulation or method for forming a formulation that include avermectin "spray granulated" or "spray granulating" ivermectin. Further, claim 1 recites that "polyethylene glycol coats the avermectin separating the avermectin from the second, third and fourth active ingredients." As recited in claim 21, a method includes "combining the granules with an additional active ingredient composition." Accordingly, the spray granulating as claimed stabilizes the avermectin and prevents it from degrading other claimed active drugs.

By contrast, the granulating (not "spray granulating") disclosed in *Lowndes et al.* occurs with both active ingredients (including any possible ivermectin) together to achieve a synergistic effect. See, column 16, Example 1, and column 8, lines 1-8. Various different wet granulation techniques exist such that one cannot assume that the granulating taught in *Lowndes et al.* includes spray granulating given that the granulation process disclosed in *Lowndes et al.* is silent with respect to any spraying. Furthermore, any proposed modification of *Lowndes et al.* to include other active drugs would do so by granulating all active ingredients together as there is no teaching or even reasoning for any different approach.

Therefore, *Lowndes et al.* in view of *Mihalik* fails to teach, show or suggest each and every element of claim 1 or claim 21. Further, *Lowndes et al.* in view of *Mihalik* cannot

anticipate claims 1 and 21 or any claims dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection of 1-18 and 21-27 and allowance of the claims.

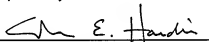
**Conclusion**

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/VIRB/0002.P1/CEH, for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

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Respectfully submitted,

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